

Summary Comparison of Major Immigrant Eligibility Provisions
As of June 4, 1996

LEGISLATIVE PROPOSALS COMPARED

H.R. 4 Welfare Conference Agreement (12/20/95) vetoed January 9, 1996

H.R. 3266 (Castle/Tanner Welfare Reform Bill)

H.R. 3507/S. 1795 (Personal Responsibility and Work Opportunity Act of 1996--New Republican Welfare Bill)

Senate Immigration - H.R. 2202

House Immigration - H.R. 2202

Administration Balanced Budget

Note: H.R. 2202 as passed by the House on March 25, 1996; H.R. 2202 as passed by the Senate on May 2, 1996 (previously S. 269, S. 1394, and S. 1664). H.R. 2202 is pending consideration by a House-Senate Conference Committee. H.R. 3507 as introduced in the House on May 22, 1996 and S. 1795 introduced in the Senate on May 22, 1996.

MAJOR PROVISIONS COMPARED

ELIGIBILITY RESTRICTIONS

DEEMING OF SPONSORS' INCOME AND RESOURCES

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ESTIMATED SAVINGS OVER 7 YEARS (CBO ESTIMATE)

ELIGIBILITY RESTRICTIONS

Welfare Conference - H.R. 4:

Legal Immigrant Ban: SSI, Food Stamps -- retroactive and applied to most legal immigrants. Current recipients lose eligibility after 1/1/97. Future immigrants -- 5 year ban for nearly all federal means-tested programs (including Medicaid).

Other Eligibility: Eliminates “permanently residing under the color of law”(PRUCOL) concept and establishes a narrow definition of alien eligibility (see “Eligible Alien” section below). With limited exceptions (see “Exceptions to Eligibility/ Verification” section below) makes “non-qualified” aliens ineligible for any “federal public benefit”, defined as any federal grant, contract, loan, professional license, or commercial license, and any retirement, welfare, health disability, public or assisted housing, post-secondary education, food assistance, unemployment benefit, or any other similar benefit for which payments or assistance are provided by an agency or appropriated funds of the United States.

Castle/Tanner Welfare Bill:

Legal Immigrant Ban: Same as H.R. 4, except children under 18 exempted from SSI and Food Stamp bans. Also, Medicaid exempted from 5 year ban on future immigrants.

Other Eligibility: Same as H.R. 4, but with a few more exceptions to the eligibility limitations/ verification requirements.

New Republican Welfare - H.R. 3507/S. 1795:

Legal Immigrant Ban: Same as H.R. 4, except eliminates eligibility of legal immigrants for SSI and Food Stamps immediately at the time of redetermination, rather than one year after enactment or 1/1/98.

Other Eligibility: Same as H.R. 4.

Senate Immigration - H.R. 2202:

No Legal Immigrant Ban

Other Eligibility: Eliminates “permanently residing under color of law (PRUCOL) concept and establishes a more narrow definition of alien eligibility (see “Eligible Alien” section below). With limited exceptions (see “Exceptions to Eligibility/ Verification” section below) makes “ineligible” aliens ineligible for assistance under any federal, state, or local program for which assistance is based on need, or any federal, state, or local government grant, contract, loan, professional license, or commercial license. In addition, any alien who is not “lawfully present” in the U.S. as determined by the Attorney General, is not eligible for title II social security benefits (effective to applications filed after date of enactment).

House Immigration - H.R. 2202:

No Legal Immigrant Ban

Other Eligibility: Eliminates “permanently residing under color of law (PRUCOL) concept and establishes that the Attorney General is to define which immigrants are “lawfully admitted” for purposes of alien eligibility. With limited exceptions (see “Exceptions to Eligibility/ Verification” section below) makes “non-lawful” aliens ineligible for assistance under any federal, state, or local program for which assistance is based on financial need, or any federal or state government grant, contract, loan, professional license, or commercial license.

Administration Balanced Budget:

No Legal Immigrant Ban

Other Eligibility: Eliminates “permanently residing under color of law (PRUCOL) concept and establishes a more narrow definition of eligibility (see “Eligible Alien” section below) under the SSI, AFDC, and Medicaid programs which better conforms to the existing narrower definition of alien eligibility in the Food Stamp program.

DEEMING OF SPONSORS' INCOME AND RESOURCES (See exceptions below)

Welfare Conference - H.R. 4: Until citizenship for immigrants who sign new affidavits of support. 100 percent deeming applied to nearly all federal means-tested programs (including Medicaid); no exemption for disabled after entry. Current immigrants who have a current affidavit of support would be subject to deeming under current law for programs that currently deem.

Castle/Tanner Welfare Bill: Until citizenship or 40 quarters of work for immigrants who sign new affidavits of support; applied to Medicaid program only.

New Republican Welfare - H.R. 3507/S. 1795: Same as H.R. 4.

Senate Immigration - H.R. 2202: Until 40 quarters of work for immigrants who sign new affidavits of support; 5 years for immigrants who sign old affidavits of support. 100 percent deeming applied to nearly all federal needs-based programs (including Medicaid); no exemption for disabled after entry.

House Immigration - H.R. 2202: Until citizenship for parents and adult sons and daughters of citizens; until 7 years or citizenship for spouses of citizens or immigrants; until age 21 or citizenship for minor children of citizens or immigrants. New deeming rules applied to immigrants who sign new affidavits of support. 100 percent deeming applied to nearly all federal means-tested programs (including Medicaid); no exemption for disabled after entry. Current immigrants who have a current affidavit of support would be subject to deeming under current law for programs that currently deem.

Administration Balanced Budget: Until citizenship for new applicants. Deeming applied to SSI, AFDC, and Food Stamps with current law exemptions for disabled after entry and current law deeming calculations.

STATE OPTIONS

Welfare Conference - H.R. 4: States have the option to ban (retroactively) most legal immigrants from receiving AFDC, Medicaid, and social services under title XX. States would also have the option to ban most legal immigrants from receiving any state means-tested benefits. State and local means-tested programs may apply the same deeming rules as are applied to federal means-tested programs (for immigrants who sign new affidavits of support).

Castle/Tanner Welfare Bill: Same as H.R. 4, but Medicaid excepted from state option to ban legal immigrants from federally financed programs. State and means-tested programs: Same as H.R. 4.

New Republican Welfare - H.R. 3507/S. 1795: Same as H.R. 4.

Senate Immigration - H.R. 2202: State or local governments may apply the same deeming rules to their needs-based programs as are applied to federal needs-based programs.

House Immigration - H.R. 2202: State or local governments may apply the same deeming rules to their means-tested programs as are applied to federal means-tested programs (for immigrants who sign new affidavits of support).

Administration Balanced Budget: State or local governments may apply the same deeming rules to their cash general assistance programs as are applied to SSI, AFDC, and Food Stamps (for new applicants).

EXCEPTIONS TO ELIGIBILITY BANS AND DEEMING

Welfare Conference - H.R. 4: Bans: Immigrants excepted are: refugees, asylees, and deportation withheld for 5 years after entry/adjustment; veterans and spouses/children; and permanent residents with 40 quarters of coverage for social security that have not received federal means-tested benefits in any quarter.

Programs excepted from 5 year ban on future immigrants are: emergency Medicaid; short-term, non-cash, in-kind emergency disaster relief; school lunch act; child nutrition act; public health assistance for immunizations; payments for foster care (if parent is not a recent immigrant); certain other in-kind services or assistance; means-tested elementary and secondary education programs; and programs of student assistance for higher education.

Deeming: Immigrants are excepted if they have 40 quarters of coverage for social security and have not received federal means-tested benefits in any quarter.

Programs excepted from deeming are the same as above.

Castle/Tanner Welfare Bill: Bans: Same as H.R. 4, but new exceptions for children under 18 (for Food Stamp and SSI disability eligibility), immigrants who pay payroll (FICA) taxes for 20 quarters, and battered immigrants. Exception related to 40 quarters dropped from future 5-year ban.

Programs excepted are the same as H.R. 4, except regular Medicaid added to the list of excepted programs. Also, the new bans and deeming and verification rules would not apply to any nonprofit charitable organization.

Deeming: excepted from Medicaid deeming are children under 18 and pregnant women.

Programs excepted from state deeming same as above.

New Republican Welfare - H.R. 3507/S. 1795: Same as H.R. 4.

Senate Immigration - H.R. 2202: Deeming: Immigrants excepted are: battered spouses and children for 48 months (or longer if abuse is ongoing); immigrants with 40 qualifying quarters and their stay-at-home spouses and dependent children; and those who are determined to be unable to obtain food and shelter without assistance, taking into account assistance provided by the sponsor. Definition of 40 quarters similar to the House bill, except includes the requirement that the alien have income tax liability for the year in which the quarter was part.

Programs excepted are: school lunch act, child nutrition act, and 4 other food programs (including emergency food assistance and food distribution on Indian reservations); other programs at the discretion of the AG if they (i) deliver in-kind services at the community level, (ii) do not condition assistance on individual recipient's income, and (iii) are

necessary for the protection of life or safety (e.g., soup kitchens, crisis counseling and intervention, short-term shelter); non-profit charitable organizations; and student loans if in effect or approved in the calendar year of date of enactment.

House Immigration - H.R. 2202: Deeming: Immigrants excepted are: battered spouses and children; and immigrants with 40 quarters of coverage for social security that have not received federal means-tested benefits in any quarter.

Programs excepted are: emergency Medicaid; Head Start, short-term, non-cash, in-kind emergency disaster relief; school lunch act; child nutrition act; public health immunizations; domestic violence or child abuse services; student assistance under titles IV, V, IX, and X of the higher education act; and titles III, VII, and VIII of the public health service act (which authorizes--among many other programs--the migrant and community health centers, and the loan programs for health professionals and nurses).

Administration Balanced Budget: Deeming -- Applies only to SSI, AFDC, and Food Stamps and includes current law exemptions for the disabled and current law deeming calculations. Also, immigrants excepted are: elderly immigrants age 75 or over with 5 years residence; veterans and spouses/children; and immigrants who have paid income or payroll taxes for 5 years (or the parent or spouse has paid such taxes).

AFFIDAVIT OF SUPPORT & SPONSOR REQUIREMENTS

Welfare Conference - H.R. 4: Affidavits of support made legally binding for future immigrants. Affidavits would be enforceable until the immigrant achieves citizenship, and would require federal, state, and local governments to seek reimbursements for most means-tested public benefits provided to sponsored immigrants. Sponsored immigrants could also seek action against sponsors who “financially abandoned” them. Programs excepted are the same as above. Sponsors are required to be 18 years of age or over and the person petitioning for the immigrant’s admission.

Castle/Tanner Welfare Bill: Same as H.R. 4.

New Republican Welfare - H.R. 3507/S. 1795: Same as H.R. 4.

Senate Immigration - H.R. 2202: Affidavits of support made legally binding for future immigrants. Affidavits would be enforceable for 40 qualifying quarters, and would require federal, state, and local governments to seek reimbursements for public benefits provided to sponsored immigrants. Sponsored immigrants could also seek action against sponsors who “financially abandoned” them. Sponsors required to provide social security numbers on affidavits. Federal courts would be responsible for cases regarding reimbursement for Federally-funded benefits; State courts would be responsible for cases regarding reimbursement for State- or local-funded benefits. Stay-at-home spouses and dependent children could satisfy the 40 quarter requirement if their working spouse/parent satisfied the requirement. Programs affected are the same as under “Deportation for Public Charge” section (below). Sponsors are required to be 18 years of age or over and demonstrate ability to maintain an annual income equal to at least 125 percent of the federal poverty line.

House Immigration - H.R. 2202: Affidavits of support made legally binding for future immigrants. Affidavits would be enforceable until the immigrant achieves citizenship (or for 7 years for spouses, or until age 21 for children). Federal, state, and local governments would be required to seek reimbursements for most means-tested public benefits provided to sponsored immigrants. Sponsored immigrants could not bring any action against sponsors who “financially abandoned” them. Immigrants with 40 qualifying quarters are excepted. Programs excepted are the same as above.

Sponsors are required to be 18 years of age or over and demonstrate ability to maintain an annual income equal to at least 200 percent of the federal poverty line (100 percent for veterans). If the sponsor is not the same individual as the petitioner, then the sponsor must be a citizen.

Administration Balanced Budget: Affidavits of support made legally binding for future immigrants. Affidavits would be enforceable until the immigrant achieves citizenship (or becomes elderly over age 75 with 5 years residence, a veteran or spouse/child of a veteran, or pays 5 years of taxes). Federal, state, and local governments would be allowed to seek reimbursements for cash or food stamp benefits provided to

sponsored immigrants (unless the sponsor was also receiving cash or food stamp benefits). Sponsored immigrants could also seek action against sponsors who “financially abandoned” them. No new requirements on sponsors.

ELIGIBLE ALIEN (PRUCOL)

Welfare Conference - H.R. 4: Eliminates “permanently residing under color of law (PRUCOL) concept and establishes a narrow definition of alien eligibility (permanent residents, refugees, asylees, deportation withheld, and those paroled for at least 1 year).

Castle/Tanner Welfare Bill: Same as H.R. 4.

New Republican Welfare - H.R. 3507/S. 1795: Same as H.R. 4.

Senate Immigration - H.R. 2202: Eliminates “permanently residing under color of law (PRUCOL) concept and establishes a narrow definition of alien eligibility (permanent residents, refugees, asylees, deportation withheld, those paroled for at least 1 year, and battered immigrants who are eligible to adjust to resident status as the spouse or child of a U.S. citizen or permanent resident, or due to suspension of deportation).

House Immigration - H.R. 2202: Eliminates “permanently residing under color of law (PRUCOL) concept and establishes that the Attorney General is to define which immigrants are “lawfully admitted” for purposes of alien eligibility.

Administration Balanced Budget: Eliminates “permanently residing under color of law (PRUCOL) concept and establishes a new definition of alien eligibility (permanent residents; refugees; asylees; Cuban/Haitian entrants; deportation withheld; deportation suspended; IRCA temporary residents; spouse or child of citizen for whom application for adjustment is pending; those paroled for at least 1 year; and those who the Attorney General determines continued presence serves a humanitarian or other compelling public interest and the Secretary of HHS and Commissioner of Social Security determine should be eligible).

VERIFICATION

Welfare Conference - H.R. 4: Virtually all federal, state, and local benefit programs would be required to verify the citizenship and alienage status of every applicant, including the school lunch program, WIC, Maternal and Child Health Block Grant, Social Services Block Grant, Head Start, etc., and similar state and local programs. All applicants for federal, state, and local grants, contracts, licenses, and loans would have to have their citizenship or alienage status verified. Federal and state programs are mandated to establish a verification system--subject to appropriations.

Castle/Tanner Welfare Bill: Same as H.R. 4, but more programs are excepted from eligibility limitations/ verification requirements (see below).

New Republican Welfare - H.R. 3507/S. 1795: Same as H.R. 4.

Senate Immigration - H.R. 2202: Generally not explicit, but virtually all federal, state, and local benefit programs would be required to determine--and all applicants for federal, state, and local grants, contracts, loans, or licenses would be required to establish--the citizenship and alienage status of every applicant. Requires the President to submit a recommendation to Congress for a verification system 3 years after enactment. System would be used for employment and benefit verification. The AG is directed to undertake demonstration projects, including a project in the legislative branch, on the feasibility of an alternative system verifying eligibility for employment and benefits.

House Immigration - H.R. 2202: Generally not explicit, but virtually all federal, state, and local benefit programs would be required to determine--and all applicants for federal and state grants, contracts, loans, or licenses would be required to establish--the citizenship and alienage status of every applicant (based on Attorney General definition of "lawfully admitted"). In addition, 4 specific documents would be required to prove identity for assistance under SSI, AFDC, Medicaid, Food Stamps, Social Services, and Housing assistance.

Administration Balanced Budget: Verify under those programs that currently verify under the SAVE system (SSI, AFDC, Medicaid, Food Stamps, and Unemployment Compensation).

EXCEPTIONS TO ELIGIBILITY/ VERIFICATION

Welfare Conference - H.R. 4: Emergency Medicaid; short-term, non-cash, in-kind emergency disaster relief; public health assistance for immunizations; certain other in-kind services or assistance; and certain HUD programs. Certain nonimmigrants would be eligible for any contract or license if employment visa is related to such contracts or licenses, and certain immigrants and nonimmigrants may be eligible for benefits if required under reciprocal treaty agreements.

Castle/Tanner Welfare Bill: Same as H.R. 4, but additional programs excepted are: regular Medicaid, school lunches, WIC, and nonprofit charitable organizations. Battered immigrants also excepted from eligibility limitations/verification.

New Republican Welfare - H.R. 3507/S. 1795: Same as H.R. 4.

Senate Immigration - H.R. 2202: Emergency Medicaid (including prenatal/postpartum care for those who can establish 3 years of residency); short-term emergency disaster relief; school lunch act, child nutrition act, and 4 other food programs including emergency food assistance and food distribution on Indian reservations; public health assistance for immunizations; other programs at the discretion of the AG if they (i) deliver in-kind services at the community level, (ii) do not condition assistance on individual recipient's income, and (iii) are necessary for the protection of life, public health or safety (e.g., soup kitchens, crisis counseling and intervention, short-term shelter); and non-profit charitable organizations. Nonimmigrants authorized to work in the U.S. would be eligible for licenses, and aliens outside the U.S. could contract with government agencies.

House Immigration - H.R. 2202: Emergency medical services (as determined by the AG in consultation with the Secretary of HHS); Head Start; short-term, non-cash, in-kind emergency disaster relief; public health assistance for immunizations; family violence services, school lunch act; and child nutrition.

Administration Balanced Budget: Verification required only in those programs that currently verify (SSI, AFDC, Medicaid, and Food Stamps).

FEDERAL PAYMENT FOR EMERGENCY MEDICAL SERVICES

Welfare Conference - H.R. 4: No provisions.

Castle/Tanner Welfare Bill: No provisions.

New Republican Welfare - H.R. 3507/S. 1795: \$3.5 billion over 5 years would go to the 15 states with the highest number of undocumented immigrants to pay for the costs of providing them emergency medical services.

Senate Immigration - H.R. 2202: Hospitals requesting enhanced Federal reimbursement of costs related to emergency medical services provided to aliens not lawfully present would be required to verify status according to procedures established by the Secretary of HHS in consultation with the Attorney General (AG).

House Immigration - H.R. 2202: Hospitals requesting enhanced Federal reimbursement of costs related to emergency medical services provided to aliens not lawfully present would be required to verify status with INS.

Administration Balanced Budget: \$3.5 billion over 5 years would go to the 15 states with the highest number of undocumented immigrants to pay for the costs of providing them emergency medical services.

DEPORTATION OF PUBLIC CHARGES

Welfare Conference - H.R. 4: No provisions.

Castle/Tanner Welfare Bill: No provisions.

New Republican Welfare - H.R. 3507/S. 1795: No provisions.

Senate Immigration - H.R. 2202: An immigrant who received assistance under programs listed below for an aggregate period of 12 months within first 5 years of entry would be deportable as a public charge for a period of 5 years after the immigrant last receives a benefit during the public charge period. Refugees, asylees, and certain immigrants who became disabled after entry are excepted. Battered spouses and children are allowed 48 months of assistance within 7 years of entry before becoming deportable as public charges (with an extension of the 48 months allowed for ongoing battery or cruelty. This would apply to immigrants entering after date of enactment. An immigrant could not naturalize if the AG determined that s/he were a public charge.

Programs: SSI, AFDC, Medicaid (including emergency), Food Stamps, state general assistance, and any other federal, state, or local needs based programs. Programs excepted are the same as those listed above (regarding verification) plus higher education assistance (until matriculation) awarded in an academic year which begins or ends in the calendar year of date of enactment.

House Immigration - H.R. 2202: An immigrant who received assistance under programs listed below for an aggregate period of 12 months within first 7 years of entry would be deportable as a public charge if the cause for assistance arose prior to entry (e.g., disability). Refugees and asylees may be excepted at the discretion of the AG. Battered spouses and children are allowed 48 months of assistance within 7 years of entry before becoming deportable as public charges (with an extension of the 48 months allowed for ongoing battery or cruelty. This would apply to immigrants with regard to benefits received after date of enactment.

Programs: SSI, AFDC, Medicaid, Food Stamps, state general cash assistance, and housing assistance. Programs excepted are emergency medical services (as defined by the AG), public health immunizations, and short-term emergency relief.

Administration Balanced Budget: No provisions.

REPORTING TO INS

Welfare Conference - H.R. 4: State agencies implementing the AFDC block grant and state SSI supplements, the Commissioner of Social Security in carrying out the SSI program, and the Secretary of HUD and public housing agencies, would be required to report to INS information regarding individuals who they know are in the U.S. unlawfully. In addition, no state or local government would be allowed to prohibit any official within its jurisdiction from sending to or receiving from the INS information regarding the immigration status of an alien in the U.S.

Castle/Tanner Welfare Bill: Same as H.R. 4.

New Republican Welfare - H.R. 3507/S. 1795: Same as H.R. 4.

Senate Immigration - H.R. 2202: No federal, state or local government would be prohibited, or be allowed to prohibit any official within its jurisdiction, from sending to, or receiving from, the INS information regarding the immigration status of an alien in the U.S.

House Immigration - H.R. 2202: No state or local government would be prohibited, or be allowed to prohibit any official within its jurisdiction, from sending to, or receiving from, the INS information regarding the immigration status of an alien in the U.S.

Administration Balanced Budget: No provisions.

OTHER

Senate Immigration - H.R. 2202: ORR - Requires the Office of Refugee Resettlement (HHS) to allocate grants to ensure that each qualifying county shall receive the same amount of assistance for each refugee and entrant residing in the county as of the beginning of the fiscal year who arrived in the U.S. not more than 60 months prior.

BENEFITS OF RESIDENCE - No ineligible alien can be considered a resident of a state if it would put the alien in a more favorable position regarding benefit eligibility, except elementary or secondary education, than a non-resident U.S. citizen.

House Immigration - H.R. 2202: PUBLIC EDUCATION - Allows states to deny public education to illegal alien children. REPRESENTATIVE PAYEE - Prohibits a benefit payment for an eligible individual to be made to any person who is not a lawful alien. For example, this would prohibit an AFDC benefit for a citizen child of an undocumented mother to be sent to the mother, resulting in the need to locate a number of "representative payees" for such cases. ORR - Requires the Office of Refugee Resettlement (HHS) to allocate grants to ensure that each qualifying county shall receive the same amount of assistance for each refugee and entrant residing in the county as of the beginning of the fiscal year who arrived in the U.S. not more than 60 months prior.

CBO 7 YEAR SAVINGS (billions)

Welfare Conference H.R. 4:

SSI--12.8
Food Stmps--2.9
Child Nut.--.3
Medicaid--5.9
AFDC--*
Total--\$21.9

* No immigrant savings attributed since AFDC is block granted.

Castle/Tanner Welfare Bill:

Preliminary
Total--\$16

New Republican Welfare - H.R. 3507/S. 1795:

Preliminary
SSI--13.3
Food Stmps--3.4
Child Nut.--.3
Medicaid--*
AFDC--*
Total--\$17.0

* No immigrant savings attributed since AFDC and Medicaid are block granted.

Senate Immigration - H.R. 2202:

SSI--2.6
Food Stmps--.2
Child Nut.--na
Medicaid--2.7
AFDC--.1
Total--\$5.6

House Immigration - H.R. 2202:

SSI--1.6
Food Stmps--.6
Child Nut.--na
Medicaid--2.1
AFDC--.2
Total--\$4.5

Administration Balanced Budget:

SSI--4.5
Food Stmps--.5

Child Nut.--na
Medicaid--.6
AFDC--.1

Total--\$5.7